

REMARKS

The Official Action mailed May 14, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on February 11, 2009.

The Applicant notes with appreciation the apparent consideration of the Information Disclosure Statements filed on August 31, 2006. MPEP § 609.05(b) sets forth "an alternative electronic signature method." Under this alternate electronic signature method, "[e]xaminers will no longer initial each reference citation considered, but will continue to strikethrough each citation not considered. Each page of reference citations will be stamped by the examiner with the phrase 'All references considered except where lined through' along with the examiner's electronic initials, and the final page of reference citations will include the examiner's electronic signature."

In the present application, regarding the IDS filed August 31, 2006, some of the references considered by the Examiner include the Examiner's initials next to each citation; however, some of the references do not, making it potentially unclear as to whether the Examiner intended to implement the above-referenced "alternative electronic signature method." Based on the totality of the record, the Applicant's understanding of the MPEP, and the absence of strikethrough on any sheet of references cited, the Applicant understands that all references cited by the Applicant in the IDS filed on August 31, 2006, have been fully considered by the Examiner and will be published on the face of any patent issuing from the present application. If the Applicant's understanding is incorrect, the Applicant respectfully requests clarification in a future communication.

Claims 1-14 are pending in the present application, of which claims 1 and 2 are independent. Although the Office Action Summary shows that claims 1-23 are pending

and that claims 15-23 are withdrawn, the Applicant notes that in the *Amendment and Response to Restriction Requirement* filed on February 11, 2009, claims 15-23 were canceled without prejudice or disclaimer. Claims 1, 2 and 8-10 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1-14 as anticipated by U.S. Publication No. 2003/0183699 to Masui. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 has been amended to recite "a control circuit configured to limit data writing of the memory circuit so that data is written to the memory circuit only once," and independent claim 2 has been amended to recite "means for controlling data writing of the memory circuit so that data is written to the memory circuit only once." These features are supported in the present specification, for example, by page 3, lines 26-30 (paragraph [0012] of pre-grant U.S. Publication No. 2007/0171693). The Applicant respectfully submits that Masui does not teach the above-referenced features of the present invention, either explicitly or inherently.

Since Masui does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Although no fees are currently due, the Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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